

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WOODROW FLEMMING,

Plaintiff,

v.

9:06-CV-562

**GLENN GOORD, Commissioner; DONALD
SELSKY, Director of Special Housing;
MICHAEL MAHER, Deputy Acting
Superintendent; CAPTAIN DAUPHIN; LT.
MITCHELL; LOZADA ROSSY; ANDY
MEACHEM, Security Officer; and SGT. H.
FITZPATRICK, Security Sgt.,**

Defendants.

APPEARANCES:

OF COUNSEL:

WOODROW FLEMMING
No. 03-A-5259
Upstate Correctional Facility
Post Office Box 2001
Malone, New York 12953
Plaintiff *Pro Se*

HON. ANDREW M. CUOMO
New York State Attorney General
The Capitol
Albany, New York 12224-0341
Attorney for Defendants

DAVID L. COCHRAN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 24th day of September, 2007. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties

herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

The Report-Recommendation is hereby approved. The defendants' motion (Docket No. 27) is granted and that:

1. The order granting Flemming's IFP status (Docket No. 5) is vacated;
2. The complaint is dismissed as to all defendants and all claims unless Flemming pays the filing fee of \$250.00 on or before November 16, 2007; and
3. Flemming is barred from filing any IFP complaints in this district unless he is under imminent danger of serious physical injury.
4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 16, 2007
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge